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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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In the matter of)
)
Amendment to Section 1.773 of the) CC Docket No 92-117
Commission's Rules Regarding)
Pleading Cycle for Petitions)
Against tariff Filings Made on)
14-Days' Notice)

COMMENTS OF GTE

GTE Service Corporation, on behalf of its domestic affiliated, telephone, equipment and service companies ("GTE"), offers its comments filed in response to the Federal Communications Commission's ("Commission") Notice of Proposed Rulemaking ("NPRM"), released June 1, 1992. The NPRM proposes to adjust the pleading cycle governing pleadings that relate to tariff filings made on 14-days' notice. It would require petitions to be filed within six calendar days after the date of a 14-day tariff filing and subsequent replies to be filed within three calendar days after service of the petition. The Commission also tentatively concludes that all pleadings must be personally served on the parties involved in the tariff proceeding.¹

GTE generally supports the rule change and agrees that the proposed rule is necessary to permit the Commission and all parties involved adequate

¹ NPRM at ¶1.

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time to evaluate and respond to these types of tariff filings.² However, GTE believes the issue of personal service requires clarification and/or modification.

I. ELIMINATION OF OPTION TO SERVE BY MAIL

The Commission proposes to eliminate the option to serve any party in a 14-day tariff proceeding by mail "because of the short time periods involved in this revised pleading cycle."³ GTE generally agrees with the Commission's proposal and can appreciate the need for simultaneous filing and service to the Commission and involved parties if the pleading cycle is shortened. However, personal service may not be workable in all instances.

Entities operating outside North America, such as GTE's Micronesian Telecommunications Corporation, could be disadvantaged by the shortened pleading schedule because of the time difference involved. For example, MTC could be served by a petitioner on a Friday (Saturday in Micronesia), would forward the petition to GTE Hawaiian Tel for regulatory action on Monday (Sunday in Hawaii), and thus, not be able to begin (let alone complete) the reply process within the three calendar day period proposed.⁴ Service through a domestic representative would allow better opportunity to respond within the proposed period. Thus, GTE proposes that the proposed rules be modified to permit service through a domestic or Washington DC representative, for entities operating outside of North America.

² NPRM at ¶4.

³ NPRM at ¶5.

⁴ NPRM at ¶1.

II. SERVICE BY FACSIMILE

The Commission also seeks comment "on the advisability of allowing service by facsimile, followed by the mailing of a copy of the pleading to parties other than the Commission."⁵ GTE supports the proposal to allow service by facsimile, with a follow-up mailing, as a viable means of meeting the proposed personal service requirement. Two concerns, however, must be resolved. First, for participants with no facsimile capabilities, GTE suggests the alternative of service by an overnight mail delivery service capable of delivering to both street and post office box addresses. Thus, the rules should be clarified to allow personal service to be accomplished by facsimile or overnight mail capable of delivery to both street and post office box addresses. Second, it is essential that all parties be advised of the proper facsimile number to avoid non-delivery or delays in delivery from improper facsimile transmission. To assure personal service in a timely manner, GTE proposes that the rules be modified to require tariff filers and petitioners to designate contact telephone and facsimile numbers within their filed document.

CONCLUSION

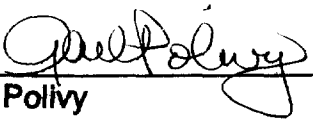
For the reasons cited above, GTE respectfully requests that the Commission modify the proposed rules (1) to allow parties outside North America to be served by a domestic or Washington DC representative; (2) to clarify that personal service can be accomplished by facsimile or overnight mail capable of delivery to both street and post office box addresses; and (3) to

⁵ NPRM at ¶15.

require tariff filers and petitioners to designate contact telephone and facsimile numbers within their filed documents.

Respectfully submitted,

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its affiliated domestic telephone
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